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October 3, 2013

Mr. William C. Mulvaney
Superintendent
Armstrong Schools
P O Box 37
Armstrong, IL 61812


Dear Superintendent Mulvaney,

Thank you for your recent letter concerning wind turbines. With regard to your last comment, you may be unaware that there was much discussion and investigation, as well as an opportunity for public comment over the period of thirty days prior to the wind ordinance being adopted. When wind developers first approached the county, we had two choices: we could have a free for all with no rules, or, as suggested by the wind companies, develop at least a baseline set of rules even though we had no zoning. We in fact stretched our legal authority a bit beyond a building permit to require as a condition of any permit that the wind company prove compliance with EPA noise standards. We consulted environmental experts on issues such as bats and birds as well. Using the legal tools at our disposal, we crafted as good an ordinance as possible without the additional power of zoning. To date, there has not been support for zoning, so the County has to stay within the limits of its power. Each landowner has a right to develop their land as they deem fit. To regulate a person's use of land requires a particular process – zoning, and without it, we cannot stop someone from building a wind turbine on their land or permitting one to be erected.

Also, without the ordinance, there would be nothing preventing developers from building wind farms as they deemed best. The company on California Ridge would not have done so according to them, but others would have been free to building where and how they liked. Our efforts sought to impose some limits and protections. We also had two public hearings specifically geared to the first project possibility in the Rossville-Hoopeston area, one in Rossville and one in Hoopeston to allow for residents in the area to speak. We indeed took care to research the issues.

The County also attended meetings elsewhere and spoke to school superintendents and met with other officials to gain from their experience. None of the comments made by you seem to reoccur in Bloomington or Champaign. We appreciate your comments and if you have more specific information, we would be happy to forward it to the appropriate persons. My experience in court shows that judging cause and effect should be carefully done. Other communities observe no such issues and even here other residents have no such complaints. There are many assumptions about the effects of wind farms and the research is a least split on that issue. So far, both state and federal law regard wind energy as a legitimate operation have not issued warnings or expressed concerns. However, we monitor these issues. Even now, a sound study is being conducted by independent acoustic engineers retained by the wind developer to assess some of the claims. We would be happy to forward specific information to them.

Sincerely,



William T. Donahue
Assistant State's Attorney/Civil Division
Vermilion County Board

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PLEASANT RIDGE EXHIBIT